

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO ZARATE,

Defendant.

Case No.: 2:19-cr-00152-JAD-NJK

ORDER
(Docket No. 125)

Pending before the Court is a stipulation to modify Defendant Gerardo Zarate's pretrial conditions to allow him to travel to Mexico to visit his family prior to sentencing. Docket No. 125.

On May 17, 2019, a complaint was filed charging Defendant with conspiracy to distribute a controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and (b)(1)(A)(viii); and possession of a controlled substance with intent to distribute, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(viii). Docket No. 1. On the same date, Defendant appeared before the Court for his initial appearance. Docket No. 4. At Defendant's request, the Court continued his detention hearing to May 21, 2019. *Id.* On May 21, 2019, the Court ordered Defendant released pending trial on a personal recognizance bond with certain conditions, including a condition that his travel is restricted to Clark County, Nevada.¹ Docket Nos. 15, 16. On June 18, 2019, a federal grand jury sitting in Las Vegas, Nevada, issued an indictment charging Defendant with certain controlled substance violations. *See* Docket No. 22. On December 2, 2021, Defendant entered a guilty plea to conspiracy to distribute a controlled substance and is scheduled to be sentenced on March 8, 2022. Docket Nos. 120, 122.

¹ This condition was later modified to allow Defendant to visit his wife, who is in custody in Nye County, Nevada. Docket No. 39.

1 The parties ask the Court to modify the conditions of Defendant's pretrial release to allow
2 him to travel to Buena Vista, Michoacán, Mexico to visit his family from December 11, 2021, to
3 January 3, 2022. Docket No. 125 at 1. The parties submit that Defendant will travel by vehicle
4 and will stay at his mother's residence while he is in Mexico. *Id.*

5 Pursuant to Title 18, United States Code, Section 3142(c)(3), the Court may amend its
6 release order at any time. The Court notes that the United States joined Defendant's request for
7 travel and that Defendant's Pretrial Services Officer does not object to his travel request.

8 Accordingly, the Court **GRANTS** the parties' stipulation to modify conditions to allow for
9 travel outside Nevada. Docket No. 125. The Court modifies Defendant's travel condition to allow
10 him to travel from Las Vegas to Michoacán, Mexico, from December 11, 2021, through January
11 3, 2022. During that time, Defendant must comply with all conditions of release and must check
12 in with his Pretrial Services officer at least one time per day.

13 **No later than 12:00 p.m. on December 10, 2021**, Defendant must provide his entire
14 itinerary, including travel dates and times, where he will stay, where he will go, and with whom
15 he will travel, stay, and meet while he is outside the District of Nevada, to his Pretrial Services
16 Officer. If Defendant fails to comply in full with this requirement, the Court will *sua sponte*
17 reconsider this order and deny Defendant's request for modification.

18 IT IS SO ORDERED.

19 DATED: December 9, 2021.

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23 NANCY J. KOPPE
24 UNITED STATES MAGISTRATE JUDGE
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